

BILL NO. S-70-06-05

SPECIAL ORDINANCE NO. S-504-70

AN ORDINANCE authorizing the exchange of certain land with Fort Wayne Community Schools and the filing of a joint petition for appraisal of said lands.

WHEREAS, the City of Fort Wayne, hereinafter called the City, is the owner of real estate in Allen County, Indiana, hereinafter called the Harmar Site, described as follows:

Lots 1, 2, 3, 4, 5, 6 and 7 in Hanna's Partition Addition to the City of Fort Wayne, Plat "B" as recorded in Deed Record 45 at page 20 in the office of the Recorder of Allen County, except that portion thereof conveyed to the State of Indiana for highway purposes by deed recorded in Deed Record _____ at page _____; together with the City's interest in that portion of vacated Harmar Street abutting said Lot 1 on the west.

WHEREAS, the Harmar Site is now under the jurisdiction of the Board of Park Commissioners, which Board has determined that it is no longer useful for park purposes since the construction of a highway across it by the Indiana State Highway Commission, which construction has pre-empted practically all of Lot 6, which was subject to a title restriction for park purposes; and

WHEREAS, Fort Wayne Community Schools, hereinafter called the School, is the owner of real estate in Allen County, Indiana, hereinafter called the Reed Road Site, described as follows:

The North 174 feet of the West 240 feet of the South 1318.7 feet of the West 666.5 feet of the Southwest Quarter of Section 28, Township 31 North, Range 13 East; subject to a public highway upon and over the West 40 feet, and also subject to an easement for utility purposes over the North 14 feet.

WHEREAS, the School has determined that the Reed Road Site is not required for school purposes and is willing to convey it to the City in exchange for the Harmar Site; and

WHEREAS, the Reed Road Site is needed by the City as a site for a new fire station; and

WHEREAS, the Indiana General School Powers Act authorizes the exchange of land by schools and other governmental bodies after appraisal by appraisers appointed by the circuit court on joint petition;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City, through the city attorney, is authorized to join with the School in petitioning the Allen Circuit Court for the appointment of appraisers of the Harmar Site and the Reed Road Site.

SECTION 2. Upon the filing and approval of the appraisers' reports, if they show the two sites to be of substantially equal value, the mayor and the clerk are authorized to execute a deed conveying the Harmar Site to the School and to

deliver said deed to the School in exchange for a deed conveying the Reed Road Site from the School to the City.

SECTION 3. Payment of one-half of the appraisers' fees fixed by the court is hereby authorized. If the appraisal of the Reed Road Site should exceed the appraisal of the Harmar Site, payment of the difference, but not to exceed \$500, is hereby authorized.

SECTION 4. This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

Elia Ann Fay

APPROVED AS TO FORM
AND LEGALITY,

David B. Zepher
Associate CITY ATTORNEY

Read the first time in full and on motion by Fay seconded by
Dunifon and duly adopted, read the second time by title and referred
to the (Committee on) Public Works (and to the City Plan
~~Commission for recommendation~~) (and ~~Public Hearing to be held after due legal notice,~~
~~at the Council Chambers, City Hall, Fort Wayne, Indiana, on~~
the _____ day of _____, 196____, at _____ o'clock
P.M., E.S.T.

Date: 6-9-70

Frank H. Bonahoom
City Clerk

Read the third time in full and on motion by Nuckols
seconded by Dunifon and duly adopted, placed on its passage.
Passed ~~(lost)~~ by the following vote:

AYES	<u>9</u>	NAYS	<u>0</u>	ABSTAINED	____	ABSENT	____	to-wit:
Adams	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Dunifon	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Fay	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Geake	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Nuckols	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Robinson	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Rousseau	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Steigerwald	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Tipton	<u>✓</u>	_____	_____	_____	_____	_____	_____	

Date 6-23-70

Frank H. Bonahoom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
~~(Zoning Map)(General)(Annexation)(Special)(Appropriation)~~ Ordinance (Resolution) No. 5-504-70
on the 23rd day of June, 19670.

ATTEST: (SEAL)

Frank H. Bonahoom
City Clerk

Herbert H. Tipton
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day
of June, 19670 at the hour of 8:30 o'clock P.M., E.S.T.

Frank H. Bonahoom
City Clerk

Approved and signed by me this 24th day of June, 19670,
at the hour of 10:51 o'clock A.M., E.S.T.

Harold S. Zeis
Mayor

Bill No. S-70-06-05

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
authorizing the exchange of certain land with Fort Wayne Community Schools and the
filing of a joint petition for appraisal of said lands,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

JOHN NUCKOLS, Chairman

CELIA ANN FAY, Vice-Chairman

THOMAS G. ADAMS

JACK K. DUNIFON

EDWIN J. ROUSSEAU

CONCURRED IN

DATE 6-23-70 RUAD G. BONAHOOM, CITY CLERK